

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0518

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

THOMAS HAMILTON MCCLELLAND,

Defendant and Appellant.

FILED

NOV 24 2009

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME  
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Joslyn Hunt, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until March 4, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 24<sup>th</sup> day of November, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
139 N. Last Chance Gulch  
P.O. Box 200145  
Helena, MT 59620-0145

By: \_\_\_\_\_

*Joslyn Hunt*  
JOSLYN HUNT

Chief Appellate Defender

STATE OF MONTANA            )  
  : ss.

County of Lewis and Clark    )

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.

2. In my capacity as Chief Appellate Defender, I have assigned Jennifer Hurley, Legal Intern, to assist me with the above-entitled matter, under my supervision.

3. The Appellant's opening brief currently is due on December 4, 2009.

4. This is Appellant's first request for an extension.

5. In addition to this matter, Ms. Hurley is assisting me with multiple appeals with deadlines for opening briefs in December, including *State v. Strong*, DA 09-0403; *State v. Montgomery*, DA 09-0568, 09-0574; *State v. Sotomayor*, DA 09-0391; *State v. Johnston*, DA 09-0352; *State v. O'Hara*, DA 09-0278; and *State v. Mischel*, DA 09-0499.

6. In light of our current workload, counsel cannot complete the briefing and consult with the client in time to file the brief in a timely manner. Counsel will work diligently to complete the matter in the time requested.

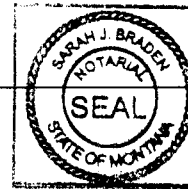
7. Opposing counsel has been contacted concerning this motion and does not object.

8. Further your affiant sayeth naught.

Joslyn Hunt  
Joslyn Hunt

SUBSCRIBED AND SWORN to before me this 22<sup>nd</sup> day of November,  
2009.

Sarah J. Braden  
Sarah J. Braden



SARAH J. BRADEN  
NOTARY PUBLIC for the  
State of Montana  
Residing at Helena, Montana  
My Commission Expires  
January 25, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK  
Montana Attorney General  
MARK MATTIOLI  
Assistant Attorney General  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

GEORGE H. CORN  
Ravalli County Attorney  
Courthouse  
205 Bedford Street  
Hamilton, MT 59840

THOMAS McCLELLAND  
P.O. Box 65  
Darby, MT 59829

DATED: November 24, 2009

[Signature]